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## SENATE BILL NO. 232

Offered January 14, 2000

*A BILL to amend and reenact § 22.1-303 of the Code of Virginia, relating to the continuing contract employment processes for teachers in the public schools.*

Patrons—Couric and Barry

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-303 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-303. Probationary terms of service for teachers.

A. A probationary term of service for three years in the same school division shall be required before a teacher is issued a continuing contract. *At the discretion of the local school board, teachers may be required to submit an application for continuing contract status in accordance with the provisions of subsections B, C, D, and E of this section.*

Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed one year, is made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth, and separates from and returns to teaching service in a school division in Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed one year, if made a part of the contract for employment.

For the purpose of calculating the three years of service required to attain continuing contract status, at least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in the first year of service by a teacher.

B. *School boards may adopt, in accordance with the Board of Education guidelines required by subsection C below, a continuing contract employment process that requires teachers to submit applications for continuing contract status during the third year of their probationary service in such school division. The application process shall apply prospectively to teachers who are hired for a probationary term of service that begins in any academic year following the year in which the school board adopts such procedures. A school board may rescind the requirement for continuing contract status applications pursuant to the relevant local procedures for changing policy.*

C. *The Board of Education shall develop guidelines for a continuing contract status application process for teachers that shall address, but need not be limited to, (i) the selection, training, and use of continuing contract review committees, which shall be comprised of, at least, teachers, principals, supervisors, and citizens, with the principal of any school in which the teacher making the application is employed, or his designee, serving as an ex officio, voting member of the committee for the purpose of evaluating the specific application; (ii) the responsibilities of the continuing contract review committees in evaluating continuing contract status applications and making recommendations, in accordance with the local school division's policies, to the relevant principal and division superintendent; (iii) the required application data and attachments, such as professional credentials and evidence of the teacher's satisfactory work performance, e.g., documentation of pupil learning, lesson plans and examinations, and other materials to aid the continuing contract review committee in analyzing the continuing contract status application and to assist the school board in making its decision; and (iv) the procedures for obtaining assistance in the preparation of the application data and attachments.*

*The Board's guidelines shall not be regulations pursuant to the Administrative Process Act (§ 9-6.14:1.1 et seq.). In devising these guidelines, however, the Board shall seek input from the public, including the education community.*

D. *The adoption of a continuing contract status application process by a local school board shall not be construed to limit or amend the right of any probationary teacher pursuant to § 22.1-305.*

E. *A teacher's continuing contract status application shall be deemed to be a confidential personnel record. No person serving on any continuing contract review committee shall disclose such application to any other person who is not directly involved in the work of the continuing contract review committee. Any person who is the subject of an unauthorized disclosure pursuant to this subsection shall be entitled to initiate an action to recover actual damages, if any, or \$100, whichever is greater. In addition, such person may also be awarded reasonable attorney's fees and court costs.*

INTRODUCED

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